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In Reply Please Refer To The Following:		
EXAMINER'S NAME <u>C.D. Crowder</u>		
<u>337</u>	<u>07/02/79</u>	<u>06/053,694</u>
GR. ART UN.	FILING DATE	SERIAL NO.
<u>Frederick F. Buechel, et. al.</u>		
APPLICANT		INVENTION
<u>New Jersey Meniscal Bearing Knee Re-</u> <u>placement</u>		

Carella, Bain, Gilfillan & Rhodes
Gateway I, Ste. 2404
Newark, N.J. 07102

Below is a communication from the EXAMINER
in charge of this application.

Commissioner of Patents, and Trademarks

ADVISORY ACTION

- ☒ THE PERIOD FOR RESPONSE IS EXTENDED TO RUN FIVE MONTHS FROM THE DATE OF THE FINAL REJECTION. 855 O. G. 1109.
- ☐ Appellant's Brief is due in accordance with Rule 192 (a).
Applicant's response to the final rejection, filed 7/9/81, has been considered with the following effect, but it is not deemed to place the application in condition for allowance:
- ☒ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
- ☒ There is no convincing showing under Rule 116(b).
 - ☒ They raise new issues that would require further consideration and/or search.
 - ☐ They raise the issue of new matter.
 - ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.
2. ☐ Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
3. ☒ Upon the filing of an appeal, the proposed amendment ☐ will be ☒ will not be, entered and the status of the claims in this application would be as ~~follows~~ stated in the FINAL REJECTION.
- ☐ Claims _____ would be allowable.
 - ☐ Claims _____ would not be allowable.
However:
(1) ☐ The rejection of claims _____ on references is deemed to be overcome by applicant's response.
(2) ☐ The rejection of claims _____ on non-reference grounds only is deemed to be overcome by applicant's response.
4. ☐ The affidavit, exhibit or request for reconsideration has been entered but does not overcome the rejection.
5. ☐ The affidavit or exhibit will not be admitted because applicant has not shown good and sufficient reasons why it was not earlier presented.
6. ☐ The application having been examined under the special accelerated examining procedure (M.P.E.P. 708.02), the proposed amendment has not been considered since it does not prima facie place the application in condition for allowance or in better condition for appeal.

7. ☒ See next sheet.

Ser. No. 053,694

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Proposed claim 48 (amended) would be allowable if in line 12 thereof, "axial motion" is changed to read-motion axially of said bones-.

Claim 53 remains indefinite and ambiguous. Furthermore, the proposed amendment to claim 53 would raise a new issue with respect to that claim.

Claim 54 remains unpatentable over Murray, et al. ('697). Furthermore, in line 18 of proposed claim 54 (amended), "is" should be deleted.

Claims 55,56 and 58 remain unpatentable over Murray, et al. ('697).

Claim 57 would be allowable if rewritten in proper independent form.

C.D. Crowder:bn

703-557-3501

07/28/81



CLIFFORD D. CROWDER
EXAMINER
GROUP ART UNIT 337